



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

Project Number: 3012485
Applicant: Jean Morgan, Morgan Design Group LLC, for Interurban Senior Living
Address: 14002 Linden Avenue N

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 7-story building containing 178 low-to moderate-income senior housing units above first floor offices and residential amenity space. Parking for 104 vehicles will be provided partially below and below grade. Proposal includes demolition of existing structures and excavation of approximately 15,200 cubic yards of soil.

The following Master Use Permit components are required:

Design Review - Section 23.41, Seattle Municipal Code

Conditional Use – Section 23.47A.006, Seattle Municipal Code

SEPA-Threshold Determination (Chapter 25.05 SMC).

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

SITE BACKGROUND INFORMATION:

The site, approximately .86 acres in size, is currently occupied by a commercial demolition and excavation company. There are storage sheds, a larger shop building, and former single family residence s now used for commercial purposes on site. The existing structures will be demolished.

The site has a gradual and steady slope from west to east of approximately 14 feet. Current access is from both 141st Street NW and from Linden Avenue N.

Directly to the west across Linden Avenue N. is the Bitter Lake Reservoir. There are multifamily apartments and condominium buildings north and south of the reservoir. To the east, between the subject site and Aurora Avenue N. is a retail car dealership with abundant car storage space. Directly to the south is a car storage lot for another auto dealership. Further to the south along Linden Avenue N. are located other multifamily apartment developments. To the north, across N. 141st Street are some smaller commercial buildings and further to the north a large mixed-use building with residential units located above commercial spaces at street level. The entire area is located within the Bitter Lake Hub Urban Village.

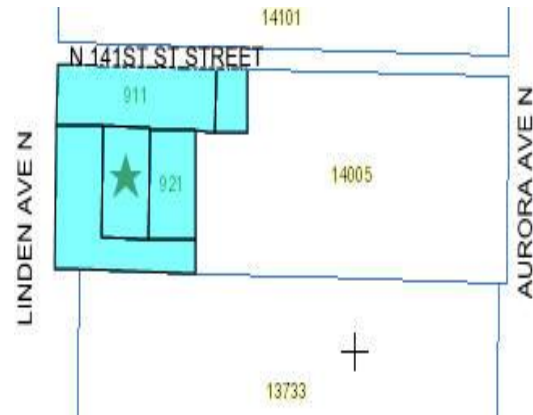
The site lies one block to the west of Aurora Avenue N., also known as Washington State highway 99 and as Pacific Highway 99, a busy arterial that connects with the Canadian border to the north and to state highways 99 in Oregon and California that eventually cross into Mexico. Development along Aurora Avenue N. in Seattle is that of “strip” commercial development, situated to serve customers arriving in vehicles. The pattern of development is characterized by discontinuous, low-slung lodging and commercial buildings perched as islands on seas of asphalt-paved parking lots easily accessed by vehicles from the arterial. A series of improvements along Linden Avenue N. are attempting to establish and to maintain a character as a pedestrian and bicycle pathway. Efforts are being made to include it as part of the development of a multi-jurisdictional “Interurban Trail,” with improvements already made and underway north of Seattle in Shoreline, Edmunds and Everett, within and near the Interurban Railroad right-of-way that had once connected Seattle with Bellingham to the north.

Design Review

Early Design Guidance Meeting: September 12, 2011

Design Team Presentation

John Parsaie of Morgan Design Group LLC Architects made the presentation to the Board and members of the public attending the meeting. After explaining opportunities offered and constraints of the site and the general objectives of the intended program, he identified individual design guidelines which the design team thought of special importance for the proposal: A-4, A-6, A-7, B-1, C-3, D-1, D-7, and D-12. The Bitter Lake Hub Urban Village has not developed neighborhood-specific guidelines accepted by Council to be applied to the site.



Three different massing schemes were then presented by the applicant. The first was described a “doughnut-shaped.” While maximizing the unit count, the design allowed only minimal daylight into the well-like courtyard at the buildings center and was thought to place an overweening amount of bulk along Linden Avenue N.

A second scheme was a “C-” or “U-shaped” design with an inner court arranged to face due south. This would allow a maximum amount of mid-day sun into the courtyard and maximize the number of south-facing units with potential views of Mt. Rainier and the downtown. This scheme was acknowledged, like the first scheme, to place a great deal of its bulk along Linden Avenue N., however, and, since there would be no way to control development on property to the south, could suffer willy-nilly the de-illumination of the courtyard that had been viewed as a problem with the previous “doughnut” scheme.

A third scheme with a deep courtyard facing due west, although reducing the number of units on site, allowed for late day sunlight into the courtyard and the units around it. It also minimized the upper bulk along Linden Avenue N. Combined with an entry to the parking from 141st Street N. rather than from Linden Avenue N., the scheme was felt to provide a kinder, gentler pedestrian experience along its frontage and one less disruptive to the dedicated bike lanes intended for the west edge of an improved Linden Avenue N.

The applicant noted that this scheme would require granting, in addition to Conditional Use approval, a departure from SMC 23.47A.005 C2, the Code provision that allows no more than 20 percent of residential uses along the street-facing façade. All the uses intended for the sidewalk level would be accessory to the principal residential use of the structure.

PUBLIC COMMENT

After asking some clarifying questions of the applicant, the Board elicited comments from members of the public (five signed in to become parties of record) attending the Early Design Review meeting. The following comments, issues and concerns were raised:

- DPD long range planner, David Goldberg, spoke about the plan that had been generated for the area, which included multi-family projects without commercial uses north of N 135th Street along Linden Avenue N., the concept which the project is proposing. The project should promote the pedestrian experience; the community vision reinforces safety as major concern. The southwest corner of the building will be a prominent corner since, although not a street corner as such, the right-of way widens at this point and will expose the side of the proposed structure for a distance and needs to be interesting and have visual interest. Mr. Goldberg expressed the opinion that the design of the proposed project aligns with the community needs and plans for the area.
- Personal safety and “walkability” in the neighborhood: more lighting and more eyes on the street are encouraged. Parking is an issue in the neighborhood as there is not felt to be enough of it. Commenter likes the vehicle access location on N 141st Street, the building frontage and balconies, and would like to see a walkway on N 141st Street.

- The entrance looks good and makes a statement. Security and safety for residents and the community are issues in the area. Pleased with more parking than what is required, but concern that there is not enough for both guests and the residents. The project needs to have as many eyes on the street as possible and the applicant should work with the North Precinct of the Seattle Police Department early on to make sure the project is doing whatever it can to create a safe environment. She wants to make sure that what is shown at the Design Review Recommendation meeting is what really gets built, especially in terms of colors and materials.
- Attendee from Department of Neighborhoods spoke about the importance of east-west connections and a walkway to connect Linden Ave N. to Aurora Ave N. on N 141st. He spoke favorably about the community spaces within the structure behind the street-facing façade; those using the spaces will provide light and eyes on the street during evening hours, unlike commercial spaces that are often dark in the evening.
- An owner of properties across N. 141st Street to the north of the project stressed the need for security and safety and increased lighting along N 141st Street, as it is currently a narrow, dark road with limited sight lines.
- General concerns about the situation along N. 141st Street and predictions of negative impacts of increased traffic from the project on N 141st Street.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance. The Board identified the Citywide Design Guidelines of highest priority for this project.

Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The corner of the building at N 141st & Linden Ave North needs to be more prominent and blank walls are discouraged. The board expressed concern with the lack of vital uses at the N.W. corner. More transparency is needed.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The project appears to respect the relationship with Linden Avenue N. and is encouraged to continue in this direction.

A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.

The proposed location of the entrance is prominent and visible from the street. The Board looks forward to seeing more details of the entry.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

The applicant had chosen this to be a priority. The board would like to make sure that there are more "eyes on the street" from the upper units and the courtyard.

A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The applicant had also chosen this to be of high priority in guiding the design. The Board had briefly discussed the tension between a more suburban (set back from the street) front façade and one that hugged the street (more urban in appearance), a tension complicated by a need for "eyes-on-the street" contravened by utility setback dictates.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties, and pedestrian safety.

The security of the garage, safe passage from parking to the street, and garage entry as part of an attractive and not totally utilitarian façade would be key issues for this challenging design refinement of the proposal.

A-10 Corner Lots. Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

The Board felt that the applicant should look at the northwest and southwest corners of the structure as true corner lot situations. This would mean carefully addressing questions regarding "wrapping" the corners and activating the corners with appropriate interior uses in order to encourage human activities and provide a better transition between the building and the street. The Board felt that the treatment of the northwest corner would be a key decision in redirecting the development of the street-level façade all along N. 141st St.

B. Height, Bulk and Scale

B-1 Height, Bulk, and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk, and scale between anticipated development potential of the adjacent zones.

The Board was agreed that the best scheme was that of the preferred design, but members raised the question of whether the perceived demands of a symmetrical façade prevented adjustments or erosions of the south-facing façade that might allow greater amounts of sunshine from entering the courtyard during the day.

C. Architectural Elements and Materials

- C-1 Architectural Context.** New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

At the Early Design Guidance Meeting, the Board noted the lack of any “well-defined and desirable character” along Linden Avenue N. but wondered whether there might not be some elements from newer structures along the street which might be taken into consideration in the design.

- C-3 Human Scale.** The design of new buildings should incorporate architectural features, elements, and details to achieve a good human scale.

At the Early Design Guidance Meeting, the Board noted that questions of scale were closely related to discussions of safety, particularly along N. 141st Street.

- C-4 Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

One board member expressed concern about using horizontal lap siding in the project: “shy away from beveled siding,” he cautioned.

- C-5 Structured Parking Entrances.** The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Board was particularly concerned about the façade along N. 141st Street, that it be activated and not include blank walls and be treated as a merely functional alley.

D. Pedestrian Environment

- D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building’s entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

This was one of the applicant’s priority guidelines and Board members and public commented favorably on what had been shown of the entry on Linden Avenue N.

- D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.**

The Board considered this to be particularly applicable to the design of the street-level façade along N. 141st Street.

- D-5 Visual Impacts of Parking Structures. The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.**

In choosing this Guideline as one of highest priority, the Board expressed concern for the appearance of the parking garage and how it would relate to the entire façade expression and experience of comfort and safety along N. 141st Street.

- D-6 Screening of Dumpsters, Utilities, and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.**

While screening of these service elements was deemed important by the Board, their precise location and relation to the corner expression at N.141st Street and Linden Avenue N. and the overall N. 141st Street façade was determined to be critical to the success of the proposal.

- D-7 Personal Safety and Security. Project design should consider opportunities for enhancing personal safety and security in the environment under review.**

In light of extensive public comments and discussion regarding the safety in the neighborhood in general and security and safety along N.141st Street in particular, the Board regarded this Guideline to be of particular importance to the success of the final design.

- D-8 Treatment of Alleys. The design of alley entrances should enhance the pedestrian street front.**

This should be considered in light of other comments of the Board regarding the security and safety, comfort and attractiveness of the “alley-like” N. 141st Street.

- D-10 Commercial Lighting. Appropriate levels of lighting should be provided in order to promote visual interest and a sense of security for people in commercial districts during evening hours. Lighting may be provided by incorporation into the building façade, the underside of overhead weather protection, on and around street furniture, in merchandising display windows, in landscaped areas, and/or on signage.**

Lighting as a means of heightening security and safety was of paramount importance to the success of the project and the Board would like to see at least the highlights of a proposed lighting scheme presented at the next meeting.

D-11 Commercial Transparency. Commercial storefronts should be transparent, allowing for a direct visual connection between pedestrians on the sidewalk and the activities occurring on the interior of a building. Blank walls should be avoided.

This was directed by the Board to the non-commercial “storefronts” proposed for residential amenity areas along the street level facades.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

There appears to be plenty of landscaping proposed around the base of the building, and street trees are encouraged along both Linden Avenue N. and N. 141st Street. The applicant is encouraged to work with SDOT regarding the landscaping in the buffer between the sidewalk and Linden Avenue N. and at the southwest corner of the building where some kind of landscaped niche seems desirable.

DEVELOPMENT STANDARD DEPARTURES

At the time of the Early Design Guidance meeting, the following departure was requested:

The Code requires that the street-level residential spaces in the commercial zone not exceed 20 percent of the street frontage (SMC 23.47A.024B). The applicant proposes an exclusively residential building with street-level ground floor spaces devoted to uses accessory to the residential use.

The Board indicated they would look favorably toward the departure providing the applicants offered more details regarding the actual design of these spaces and responded favorably to the Board’s other requests for design development that would address the Guidelines noted to be of highest priority for the project.

BOARD DIRECTION

At the conclusion of the EDG meeting, the Board recommended that the project should move forward to MUP Application in response to the guidance provided at this meeting.

The Board indicated that at the next meeting they would expect to see more fully developed and detailed renderings of the basic massing scheme shown the Board as the preferred alternative. In particular, the presentation should clarify and address the following major concerns of the Board:

- The structure has two conspicuous, highly visible corners, one at the corner of N. 141st Street and Linden Avenue N. and the other at the southwest corner where the building fronts onto the Linden Avenue N. right-of-way along two faces and is highly visible as

one approaches the site from the south. In particular, the northwest corner needs to strike a greater balance between utilitarian and aesthetic demands; it seems heavily weighted toward the utilitarian at the present.

- In keeping with the above observations regarding the northeast corner treatment, the street-level façade along N. 141st Street, despite a set of functional demands, needs to be more than an “alley” façade; additionally, the treatment of the right-of-way along the south side of N. 141st Street needs more than alley-like treatment.
- Explore architectural gestures and techniques to maximize the amount of south sun that is able to penetrate into the courtyard.

RECOMMENDATION MEETING –November 28, 2011

APPLICANT’S PRESENTATION

John Parsaie again made the presentation on behalf of the developer. The design team presentation outlined the design development the proposal had undergone in response to the Board’s Early Design Guidance. The principal changes were in several areas. First, community rooms had been placed at the two corners facing onto Linden Avenue N., extending along the street-facing façade. This was described as allowing for greater transparency at these points since fenestration into these spaces was now provided on the north-facing and south-facing facades where only solid walls had been before. The effect was not only to enhance the feeling of a tower element at each corner but to increasing the experience of “eyes on the street.”

The electrical transformer room, at the Board’s suggestion, had been moved from the northwest corner to an interior portion of the building along the south façade. . The corner elements of the façade were strengthened and unified, with the raised parapet and single color wrapping the corner.

The result, the Board would agree, was a significant enhancement in the prominence of the Northwest and Southwest corners.

Activation of the N.141st Street corner meant moving the trash holding and loading space further east on the N. 141st Street façade.

Responding to another request made by the Board at the Early Design Guidance meeting, a sidewalk had been added along the south side of 141st Street, promising an enhancement, inchoately at least, of the pedestrian connection between Linden Avenue N. and Aurora Avenue N.

PUBLIC COMMENT

Three members of the public affixed their names to the sign-in sheet. Concerns were voiced, as at the Early Design Guidance meeting, regarding pedestrian and vehicular safety along N. 141st Street and the limited parking provided for guests of the residents, but the response to the design changes in the proposal were generally favorable.

DESIGN DEPARTURES

The applicant identified and requested the following departures from development standards.

DEPARTURES FROM DEVELOPMENT STANDARDS

Departure Summary Table

REQUIREMENT	REQUEST	APPLICANT'S JUSTIFICATION	BOARD RECOMMENDATION
Street level development standards (SMC 23.47A.008 A 2.b) No More than 40% of the street facing façade can have blank walls and the length cannot exceed 20’	Request waiver from this standard along N 141 st Street	Due to the slope and proximity of the sidewalk to the building, there are two lengths of the wall that are longer than 20 in length. The total amount of blank wall is less than 40%.	The Board agreed unanimously to grant this request with the condition that additional planting of vines were added along the blank wall.
Street level development standards (SMC 23.47A.008 D) Residential uses are limited to 20% of the street level facing façade.	Residential use exceeds 20% of the street level façade at Linen Ave N & N 141 st Street.	Commercial businesses at the street level in this area have not been successful, rather than have empty store fronts, community rooms will be placed along the street frontage.	The board agreed unanimously to grant this request.
Street level development standards (SMC 23.47A.032 B.1.b) Within a structure, street level parking shall be separated from the street bay another permitted use.	Request waiver from this development standard.	Due to the location of the garage entrance and the slope of the street, parking is located from 1’ to 6’ below the level of the street.	The board agreed unanimously to grant this request.
Transparency (SMC 23.54.008 B.2) 60% Transparency is required on street facing facades from 2’ to 8’ above the sidewalk level.	Request reduction in the standard along N 141 st Street.	Due to the slope of the street only a small part of the first floor is at grade and can have the required transparency between 2’ and 8’ above the sidewalk level.	The board agreed unanimously to grant this request.
Sight Triangle (SMC 23.54.030 G) For a 2 – way, 22 foot driveway, a sight triangle shall be kept clear of any obstruction for a distance of 10’ from the back of the sidewalk.	Request waiver from this development standard.	Due to the location of the garage entrance, slope of the street and proximity of the sidewalk, there is not the 10’ required distance from the back of the sidewalk; a parabolic mirror will be used.	The board agreed unanimously to grant this request.

BOARD DELIBERATIONS

The Board began deliberations by expressing their approval of the added transparency to the two prominent corners of the building and other changes that strengthened the corner elements. There remained some concern with the location of the trash staging area near the northwest corner and the Board asked the applicant to explore the possibility of moving the location to the east side of the garage entrance on N. 141st Street. (See the discussion of ***Board's Conditions*** below).

At the Early Design Guidance Meeting, the Board had discussed the possibility of eroding a portion of the south façade in order to allow more sunlight onto the central courtyard which would invite a greater use of the area by the building's tenants. The applicant and owner explained to the Board how in fact in similar structures the courtyard area most utilized was that adjacent to the social room which faces to the south in the current design of this proposal and would receive sufficient sunlight with the proposed design. The Board was satisfied that given the predictable patterns of use likely by the target population the amount and distribution of sunshine would be sufficient without any erosion of the top of the south wing of the building.

The Board was pleased with architectural consistency of the design, with the choice in materials and colors. There was concern expressed, however, regarding the blank walls along the N. 141st Street façade and the Board requested some minor modifications to decrease the perception of blank areas along that façade. (See the discussion of ***Board's Conditions*** below).

The Board expressed their general approval of the sidewalk and landscaping that was proposed along N. 141st Street. They did, however, express their desire that SDOT be less prescriptive and show more flexibility in locating the sidewalk and planting strip so as to allow some space for additional landscaping adjacent the building.

The Board was pleased with the amount of lighting provided on the building and with the lighting that would be provided by street lights to increase safety and feelings of security along N. 141st Street.

The Board expressed general approval of the amount of landscaping and the quality of the amenity spaces in the courtyard, but were concerned with a lack of direct sightlines from the elevated courtyard to the street below. They strongly favored modifications to the western edge of the courtyard which would allow closer access to that edge. (See the discussion of ***Board's Conditions*** below).

The Board recommended **approval** of each of the requested departures and of the design presented, with the following Conditions.

Board's Conditions

Condition #1: *Explore with the Department's Land Use Planner an alternative design for the location of the trash staging area on the east side of the garage entrance.*

Condition #2: *Provide additional planting of vines along the north façade of the building to decrease perception of blank walls.*

Condition #3: *Detail the storefront windows and the walls below the windows such that in the future additional doors could be installed if needed.*

Condition #4: *Explore the possibility of adding additional bike parking outside the building along Linden Avenue N.*

Condition #5: *Reduce the length of the two western planters on the courtyard level and remove the solid parapet between the two planters, providing an open railing where the parapet was proposed.*

In response to the Design Review Board Conditions stated above the following changes/corrections have been made to the plan sets by the applicants.

Condition #1: The design team worked to explore an alternative location for the trash staging area to the east of the garage entrance. Due to the relationship of the garage to the outside street and sidewalk and the slope of the entry ramp inside the garage there could be no direct access to the staging area from the outside, a requirement of the contracted waste removal company. With the compliance of the Land Use Planner the trash staging area was left where it was, but the garage gate was moved south and a door to the staging area added north of the gate so that the waste removal provider could remove the containers without entering the garage.

Condition #2: The north wall of the garage was pulled back further from the edge of the proposed sidewalk to allow for additional decorative screens and planting area for vines.

Condition #3: It was determined that no changes were needed since the store-front windows were already designed so that additional doors could be provided as needed in the future.

Condition #4: Two wall-mounted bike lock hoops were added to the south retaining wall outside the transformer room to provide an area outside along the street for parking and locking up bikes.

Condition #5: The two planters on the courtyard level were reduced in length: the solid parapet between the planters was removed and replaced with an open rail.

Condition #3 required no changes to existing plans. Condition #1, relocation of the waste staging area was determined to be infeasible, but the addition of the doorway into the staging area and alterations to the location of the garage gate are improvements that have been made to the plan sets. Changes made to implement Conditions # 2, 4, and 5 have likewise been incorporated into the plan sets. Since already modified in scope or implemented as design changes in the plan sets, there is no reason to further implement these as Design Review Conditions

ANALYSIS AND DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings Design Guidelines*. The Director **APPROVES** the subject design and those departures from development standards recommended for approval by the Board, as well as those conditions recommended by the Board which have been incorporated into the plan sets.

This decision is based on the Design Review Board's final recommendations, on the plans, drawings and other materials presented at the public meeting on November 28, 2011, together with modifications to the plans submitted to the Department in response to the Board's comments, conditions, and directives given at that meeting. The design, siting, and architectural details of the project are expected to remain substantially as presented at the recommendation meeting except for those alterations made in response to the recommendations of the Board or in response to correction notices and incorporated into the plan sets subsequently submitted to DPD.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE

Table A of Section 23.47A.004 identifies residential use in a C-2 zone as a use that may be permitted by the Director when the provisions of both Section 23.42.042 and 23.47A. 006 are met.

In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zone or vicinity. The Director may deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

Section 23.47A.006.A.3 provides specific criteria to be applied to an analysis of an application for residential uses in a C2 zone. Applicable criteria are stated in italics, followed by the analysis below.

The residential use generally should not be located in an area with direct access to major transportation systems such as freeways, state routes and freight rail lines.

The residential use generally should not be located in close proximity to industrial areas and/or nonresidential uses of devices that have the potential to create a nuisance or adversely affect the desirability of the area for living purposes....

Interstate 5 is located by the most direct route of travel approximately 2 miles to the east. There are no freight rail lines in the vicinity. State Route 99 (Aurora Avenue North) lies one long block (580 feet) to the east. Indirect access from the site to Aurora Avenue North is along N. 141st Street, an undersized street (with a 20-foot right-of-way and 16-foot roadway) that functions as an alley.

The project site is not located in close proximity to industrial areas as such. Specifically, indicators of unsuitability are uses or devices: that would be prohibited in a NC-3 zone or that would be classified as major noise or odor generators. There are no such uses or devices in the area proposed for the residential development.

In making a determination to permit or prohibit residential uses in C2 zones, the Director shall take the following factors into account:

1. The distance between the lot in question and major transportation systems and potential nuisances;

2. The presence of physical buffers between the lot in question and major transportation systems and potential nuisance uses;
3. The potential cumulative impacts of residential uses on the availability for nonresidential uses of land near major transportation systems; and
4. The number, size and cumulative impacts of potential nuisances on the proposed residential uses.

Interstate 5 is located by the most direct route of travel approximately 2 miles to the east. There are no freight rail lines in the vicinity. State Route 99 (Aurora Avenue North) lies one long block (580 feet) to the east. Indirect access from the site to Aurora Avenue North is along N. 141st Street, an undersized street (with a 20-foot right-of-way and 16-foot roadway) that functions as an alley.

The project site is not located in close proximity to industrial areas as such. Specifically, indicators of unsuitability are uses or devices: that would be prohibited in a NC3 zone or that would be classified as major noise or odor generators. There are no such uses or devices in the area proposed for the residential development.

Automotive sales and services, which include auto repair shops, are predominant existing uses to the east and southeast of the site. There are office/showroom/ warehouses north of the site across N. 141st Street. Auto repair shops are not prohibited in a NC3 zone and the office/ showroom/ warehouse uses are relatively small and not on a scale that would be prohibited in an NC3 zone.

Residential uses shall generally to be discouraged in areas which have limited vacant land and where, due to terrain and large parcel size, land is particularly suitable for commercial rather than residential development. There is an adequate supply of land, including larger parcels of land, available for non-residential uses near and directly adjacent to State Route 99 (Aurora Avenue North). Further, the “Linden Avenue North Complete Streets” project being undertaken by the City of Seattle Department of Transportation (SDOT), a project currently underway, incorporates plans to redevelop the roadway, provide for bicycle and pedestrian safety, update utilities, add street trees, landscaping, lighting and other amenities in and along Linden Avenue North between N. 128th and N. 145th Streets. It has as stated goals the enhancement and sustainment of a vibrant, growing neighborhood and is premised upon increased residential development along Linden Avenue N. while directing larger scale commercial development to Aurora Avenue N.

As envisioned by the development team, the proposed project “is consistent with Seattle’s Comprehensive Plan, Urban Village Element as well as proposed Neighborhood specific Design Review Guidelines. ...the proposed building is setback from the [new] promenade-style sidewalk [and dual-lane bicycle path]...with additional landscaping, with an enlarged and inviting entrance plaza with additional landscaping, and a patio area with café-style seating for the residents of the building, that will enhance the pedestrian environment along Linden Avenue North and the Interurban Greenway Trail.”

The list of Major Noise Generators set forth in SMC 23.47A.018 B includes “major vehicle repair.” There are two auto repair shops located approximately 130 feet from the development site with a third shop located approximately 233 feet away. In order to mitigate for noise, activities associated with the repair activities must be located within an enclosed structure only when such activity is undertaken within 50 feet of a residential use. None of the three auto repair shops in the general area are located within 50 feet of the proposed residential structure.

Conclusion

In summary, the project site is not located in close proximity or with direct access neither to any major transportation systems nor to any industrial areas or non-residential uses that would present a potential nuisance factor for the proposed residential use of the project site. Residential use of the land of the project site will not result in an inadequate supply of land, including larger parcels of land, available for non-residential uses in this vicinity. Given these and other factors, the Director finds that residential development is appropriate for this project site located within the Bitter Lake Hub Urban Village.

DECISION- CONDITIONAL USE

The proposed action is **GRANTED**.

ANALYSIS - STATE ENVIRONMENTAL POLICY ACT (SEPA)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (September 28, 2011). The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. This decision also makes reference to and incorporates the project plans submitted with the project application.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in pertinent part that “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation.” Under specific circumstances, mitigation may be required even when the Overview Policy is applicable SMC 25.05.665(D).

ENVIRONMENTAL IMPACTS

The information provided by the applicant and its consultants, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the project. The potential environmental impacts disclosed by the environmental checklist are discussed below. Where necessary, mitigation is called for under Seattle’s SEPA Ordinance (SMC 25.05).

Short - Term Impacts

Anticipated short-term impacts that could occur during demolition excavation and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many of these impacts are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Storm-water, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

Earth

A study of the sites groundwater and soil conditions, dated August 11, 2011, and prepared by Terra Associates was submitted to the Department at the time of Master Use Permit intake. According to the study, soil conditions at the site are suitable for support of the proposed development and there are no geotechnical considerations that would preclude development of the site as planned. The Seattle Stormwater Grading and Drainage Control Code requires that water released from the site be clean and limits the amount of suspended particles therein. Specifically, the ordinance provides for Best Management Practices to be in place to prevent any of the water or spoil resulting from excavation or grading to leave the site inadvertently. No further SEPA policy based conditioning of earth impacts during construction is necessary.

Traffic and Parking

Traffic during some phases of construction, such as excavation and concrete pouring, will be expected to be great enough to warrant special consideration in order to control impacts on surrounding streets. Seattle Department of Transportation will require a construction phase truck transportation plan to deal with these impacts. The applicant(s) will be required to submit a Truck Trip Plan to be approved by SDOT prior to issuance of any demolition or building permit. The Truck Trip Plan shall delineate the routes of trucks carrying project-related materials.

Noise-Related Impacts

Both commercial and residential uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. In addition, therefore, as a condition of approval, the proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and Saturdays between 9:00 a.m. and 7:00 p.m.

Air Quality Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing,
- Increased noise levels,
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials,

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne. The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to any demolition on site. If any asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Construction activities themselves will generate minimal direct impacts. However the indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

Air Quality

The number of vehicular trips associated with the project will increase the quantities of carbon dioxide and other greenhouse gas emissions in the area. Additionally, the project will create a level of electrical energy demand and natural gas consumption that does not currently exist on the site. Together these changes will result in ambient increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project over its life-cycle.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Height, Bulk, and Scale

The proposal does not exceed the height of development (65 feet) allowed in the C-2 zone. The height, bulk and scale measures were addressed during the Design Review process. Pursuant to the Height, Bulk and Scale Policy of SMC 25.05.675 a project that is approved pursuant to the design review process shall be presumed to comply with the height, bulk and scale policies. The proposed structures have been endorsed by the Design Review Board as appropriate in height, bulk and scale for the project.

Traffic and Parking Impacts

Primary arterial access for the development proposal is provided by Linden Avenue N. The site lies one block to the west of Aurora Avenue N., also known as Washington State highway 99, and as Pacific Highway 99, a busy arterial with frequent express and local bus service. Development along Aurora Avenue N. in Seattle is that of "strip" commercial development, situated to serve customers arriving in vehicles. The City of Seattle has a project in place, scheduled for implementation in March 2012, to make improvements along the Linden Avenue

N, corridor. These improvements are an attempt to establish and to maintain a character as a pedestrian and bicycle pathway. These efforts are being made as part of the development of a multi-jurisdictional "Interurban Trail," with improvements already made and underway north of 145th Street in Shoreline, Washington, and in Edmunds and Everett, within and near the Interurban Railroad right-of-way that had once connected Seattle with Bellingham to the north.

Connecting to Aurora Avenue N. and Greenwood Avenue N. to the west via arterial cross streets at N. 145th, and N.130th, the added traffic associated with this new use is not expected to significantly impact existing intersections. While spillover parking, due primarily to staff and guest trips, may contribute to increased on-street parking, that spillover parking is not considered to be significant. No further conditioning is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

CONDITIONS-SEPA

Based upon the above analysis, the Director has determined that the following conditions are reasonable and shall be imposed pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

The owner(s) and/or responsible party(s) shall:

During Construction

1. The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction:

The hours of construction activity not conducted entirely within an enclosed structure shall be limited to non-holiday weekdays between 7:00 a.m. and 7:00 p.m., and between 9:00 a.m. and 7:00 p.m. on Saturdays. All construction activities remain subject to the construction noise ordinance (SMC 25.08.425).

CONDITIONS-CONDITIONAL USE

None.

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Certificate of Occupancy

2. The design, siting, and architectural details of the project shall remain substantially as presented at the Design Review recommendation meeting of November 28, 2011, except for any alterations that may be made in response to the recommendations of the Board and incorporated into the plan sets re-submitted to DPD prior to issuance of the Master Use Permit. Compliance with the approved design features and elements, including exterior materials, architectural detail, facade colors, and landscaping, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner shall be made at least five (5) working days in advance of the inspection.

Signature: _____ (signature on file)
Michael Dorcy, Senior Land Use Planner
Department of Planning and Development

Date: January 12, 2012